

SENATE BILL 3787

By Southerland

AN ACT to amend Chapter 392 of the Acts of 1901; as amended by Chapter 7 of the Private Acts of 2001; and any other acts amendatory thereto, relative to filling vacancies on the Board of Electric Light and Waterworks of the City of Morristown.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Section 1, of Chapter 392 of the Private Acts of 1901, as amended by Chapter 7 of the Private Acts of 2001 and any other acts amendatory thereto, is amended by deleting the last two paragraphs in Section 1(b) in their entirety and adding the following language as a new subsection (c):

(c)

(1) Prior to the first day of July in each year, the commissioners shall submit to the Mayor a list of three (3) nominees for the commission seat expiring as of July 31st. The Mayor shall within thirty (30) days of submission of such nominees select from these names a nominee. A majority vote of the City Council shall be necessary for the election of such nominee as a commissioner. Should the City Council fail to take action to either approve or disapprove a nominee within a period of thirty (30) days following notice of such nomination to the City Council, the nominee shall be deemed elected.

(2)

(A) In the event that the City Council takes action within such thirty (30) day period but a nominee does not receive a majority vote of the City Council, the nomination procedure shall be repeated except that the commissioners shall have fourteen (14) days from notice of the City Council that a nominee did not receive a majority vote of the City Council in which to submit the names to the

Mayor of three (3) nominees, which may include two (2) of the three (3) names not previously selected and submitted by the Mayor to the City Council.

(B) If a nominee is not selected from the second list submitted to the City Council by the Mayor under the procedure established in subdivision (A), a third and final list of nominees shall be submitted to the Mayor by the commissioners within the time period established for submitting the second list of names. If a nominee is not selected from the third list submitted to the City Council by the Mayor under the procedure established in subdivision (A), the provisions of subdivision (3) shall take effect.

(3)

(A) The commissioners shall submit directly to the City Council a list of three (3) nominees for the commission seat expiring as of July 31st. Such names shall be submitted to the City Council within fourteen (14) days from notice of the City Council that a nominee from the third list submitted by the Mayor to the City Council did not receive a majority vote of the City Council. The City Council shall have thirty (30) days from the date the list is submitted to the City Council to take an action to approve a nominee from the fourth list. The nominee receiving the highest number of votes from the City Council shall be the nominee. However, if a tie vote occurs between two (2) of the names submitted, the name of the nominee who received the fewest votes shall be eliminated and the City Council shall vote on the remaining two (2) nominees with the nominee receiving the highest number of votes being declared the nominee.

(B) If the City Council fails to take action to either approve or disapprove a nominee within such thirty-day period, the Mayor shall select the nominee from the list of three (3) names submitted to the City Council to be the commissioner.

(4) In the event of a vacancy during the term, said vacancy shall be filled for the remainder of the term in accordance with the procedures provided in subdivision (1) through (3) for nominations, and the commission shall make its nominations to the

Mayor within thirty (30) days of the occurrence of the vacancy to commence the election process.

SECTION 2. This act shall have no effect unless it is approved by a two-thirds (2/3) vote of the legislative body of the City of Morristown. Its approval or nonapproval shall be proclaimed by the presiding officer of the City of Morristown and certified to the secretary of state.

SECTION 3. For the purpose of approving or rejecting the provisions of this act, it shall be effective upon becoming a law, the public welfare requiring it. For all other purposes, it shall become effective as provided in Section 2.